

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Granite Rock Company,

NO. C 04-02767 JW

Plaintiff,

ORDER COMPELLING ARBITRATION

v.

International Brotherhood of Teamsters,
Freight, C,

Defendant.

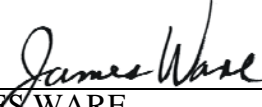
On May 3, 2007, the jury in this case found that (1) there was a vote taken on July 2, 2004 by the employees of Plaintiff Granite Rock's San Jose Concrete facility, who were members of Defendant Local 287, to approve or not to approve the Tentative Agreement and (2) a majority of Plaintiff's employees voted to approve the Tentative Agreement. (See Docket Item No. 321.)

The Court previously held that trial in this case would be limited to the single issue of ratification, and that the questions of whether Defendant violated the Tentative Agreement and if so, whether Plaintiff is entitled to damages, were to be determined by arbitration. (See Order Granting Defendant's Motion for Partial Summary Judgment and Denying Defendant's Motion to Strike Plaintiff's Jury Demand, Docket Item No. 83.)

Since the jury decided the ratification issue in Plaintiff's favor, the Court now orders the parties to arbitrate the remaining issues in this case, in accordance with the terms of the Tentative

1 Agreement. The Court STAYS this action pending arbitration. The Court will conduct a status
2 conference on **Monday, November 19, 2007 at 10 AM**. The parties shall submit a status report to
3 the Court by **November 9, 2007**.

4
5 Dated: May 17, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam James Peters apeters@littler.com
3 Alan Sam Levins alevins@littler.com
4 Duane B. Beeson dbeeson@beesontayer.com
5 Kimberly Lynn Owens kowens@littler.com
6 Lisa W. Pau lpau@beesontayer.com
7 Peder J. Thoreen pthoreen@altshulerberzon.com
8 Peter D. Nussbaum pnussbaum@altshulerberzon.com
9 Rebekah B. Evenson revenson@altshulerberzon.com

10 **Dated: May 17, 2007**

Richard W. Wieking, Clerk

11 **By: /s/ JW Chambers**
12 **Elizabeth Garcia**
13 **Courtroom Deputy**